

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICCARDO GREEN and IMELDA ABREGO,

Plaintiff(s),

v.

CALIFORNIA COURT APARTMENTS, LLC,

Defendant(s).

NO. C07-334MJP

ORDER ON MOTION FOR
PROTECTIVE ORDER

The above-entitled Court, having received and reviewed:

1. Plaintiff's Motion for Protective Order (Dkt. No. 20)
2. Defendant's Opposition to Plaintiff Green's Motion for Protective Order (Dkt. No. 22)
3. Plaintiff Green's Reply to Defendant's Answer to Plaintiff's Motion for Protective Order (Dkt. No. 24)

and all exhibits and declarations attached thereto, makes the following ruling:

IT IS ORDERED that the motion is DENIED.

IT IS FURTHER ORDERED that Plaintiff's motions to strike Defendant's exhibits and sanction Defendant's attorney are DENIED.

Plaintiff has moved for a protective order quashing Defendant's notice of deposition of Plaintiff Green, scheduled for September 26, 9 a.m. in the offices of Defendant's counsel. Plaintiff's request will be denied on two grounds:

1. Failure to comply with FRCP 26(c): Plaintiff's motion was not accompanied by a "certification that the movant has in good faith conferred or attempted to confer with other affected parties in an attempt to resolve the dispute without court action," as required by the rule. Plaintiff's statement that he indicated in the joint status report that

1 he would move for a protective order (Reply, p. 3) does not satisfy the requirement that
 2 he confer with the affected parties and try to resolve the dispute.

- 3 2. Failure to provide proof of good cause: Plaintiff's allegations that the requested
 4 deposition will be "unduly burdensome, time consuming, burdensome, irrelevant to
 5 case, used to amend judgment, reconsider judgment, harass, suppress, oppress,
 6 intimidate and in bad faith" (Pltf. Mtn., p. 2) are unsupported by facts or case law and
 7 do not establish adequate grounds for permitting him to avoid what is a standard
 8 discovery procedure in all civil litigation. Plaintiff has filed a complaint seeking
 9 damages against the defendant California Court Apartments. It is entirely reasonable
 10 and well within the bounds of acceptable practice for the defendant to depose the
 11 complaining witness or witnesses in a lawsuit. Plaintiff risks the sanction of this Court
 12 if he continues to attempt to oppose standard discovery procedures in the litigation
 13 which he himself initiated.

14 The Court declines to award the sanction of fees and costs requested by Defendant's counsel at
 15 this time, but does find that this motion for a protective order borders on frivolous, as does Plaintiff's
 16 request that counsel for defense in this matter and another of his lawsuits before this Court (Green v.
 17 Seattle Art Museum, C07-58MJP) be sanctioned for filing notices of deposition on the same day.
 18 (Reply, pp. 4-5.)¹ Plaintiff is a seasoned pro se litigator and will be expected to adhere to standards of
 19 ethics and professionalism expected of all practitioners before this Court.

20 Plaintiff's motion that Defendant's exhibits be stricken alleges violations of "work-product
 21 doctrine and/or attorney-client privilege" (Reply, p. 5) without any citation to specific exhibits or to
 22 case law supporting the request. That request will be denied. Plaintiff complains about denial of his
 23

24 ¹ The depositions themselves are noted for different days; Plaintiff merely received notice of the scheduled
 25 examinations on the same day.

1 requests to take depositions of defense witnesses; that complaint is only properly brought as a motion
2 to compel discovery and will not be entertained in any other form.

3
4 The clerk is directed to provide copies of this order to all counsel of record.

5 Dated: September 25, 2007

6
7 

8 Marsha J. Pechman
9 U.S. District Judge
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25